



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 8, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-169 The Senate of the State of California v. Jones, S083194. Original proceeding. This case concerns whether the "Let The Voters Decide Act of 2000" (Proposition 24 on the March 2000 ballot), pertaining to the compensation of legislators and other state officers and to the manner in which California should be redistricted following the 2000 census, is an invalid attempt to revise the state Constitution by initiative (Cal. Const., art. XVIII, §§ 1-3), whether it violates the single subject rule (Cal. Const., art. II, § 8, subd. (d)), and whether the initiative petition was inadequate (Elec. Code, § 9014) or misleading (Elec. Code, § 18600).

#99-170 People v. Amador, S081969. (B119987.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case concerns whether the search warrant described with sufficient particularity the location to be searched, or, if not, whether the evidence

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seized pursuant to the warrant was nonetheless admissible under the good-faith exception set forth in United States v. Leon (1984) 468 U.S. 897.

#99-171 Barnes v. Workers' Comp. Appeals Bd., S082111. (B124720; 73 Cal.App.4th 1347.) Petition for review after the Court of Appeal affirmed an order of the Board. This case concerns whether a petition to terminate a provisional award of future medical treatment is subject to the five year statute of limitations of Labor Code section 5804 for rescinding, altering, or amending an award of workers' compensation benefits.

#99-172 Dreyfuss v. Union Bank of California, S082261. (B119114; 73 Cal.App.4th 1435.) Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. This case concerns whether a lender holding multiple deeds of trust as security for loan may nonjudicially foreclose on each parcel in succession by credit bid without crediting the debtor with the fair market value of each such property.

#99-173 State Comp. Ins. Fund v. Superior Court, S082133. (G025861.) Unpublished opinion. Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case concerns whether Insurance Code section 11758 bars a civil action against a workers' compensation insurer for allegedly misreporting employers' loss histories to the Workers' Compensation Insurance Rating Bureau.

#99-174 People v. Bowden, S082079. (D030583.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents an issue, concerning whether the 1996 revision of CALJIC 9.00 correctly defines the mens rea of assault, which is related to an issue before the court in People v. Williams, S076262. (See #99-53.)

#99-175 Monarrez v. Haralambos Beverage Company, S082242. (B122160.) Unpublished opinion. Petition for review after the Court of Appeal

affirmed an order denying a motion to compel arbitration. This case presents issues, concerning the enforceability of an arbitration agreement that is claimed to be unconscionable, which are related to issues before the court in *Armendariz v. Foundation Health Psychcare Services, Inc.*, S075942. (See #99-32.)

DISPOSITIONS

97-126 People v. Diaz, S062147, was transferred to the Court of Appeal for reconsideration in light of People v. Hendrix, 16 Cal.4th 508.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Jefferson, 21 Cal.4th 86:

#97-87 People v. Barker, S060895.

#97-111 People v. Alaimalo, S061647.

#97-193 People v. Perez, S064804.

#97-199 People v. Godoy, S065192.

#98-43 People v. Barra, S067779.

#98-44 People v. Scherrer, S068088.

#98-56 People v. Cornelius, S068743.

#98-57 People v. Wright, S068312.

#99-45 People v. Nkimotu, S076008.

#99-70 People v. Dozier, S077367.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Allen, 21 Cal.4th 424:

#97-163 People v. Gainey, S064917.

#98-59 People v. Rizo, S068729.

#99-20 People v. Whitworth, S075158.

The following cases were dismissed and remanded to the Court of Appeal:

#97-162 People v. Superior Court (Branham), S063653

#98-36 People v. Tran, S067199.

#98-75 People v. Maupin, S069616.

#98-167 People v. Blount, S073792.

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